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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,349	08/27/2001	Norikazu Takasaka	JCLA7911	4973

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J C PATENTS, INC.  
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EXAMINER
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ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2656

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/940,349	TAKASAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jorge L. Ortiz-Criado	2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The amendment filed 10/11/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Amendment to paragraph [0039]-[0042]:

Namely, from equation (4) the correction offset signal. i.e. the correction offset voltage of the addition signal  $V_{osadd}$ , is independent to gain  $G$  of the amplifiers. Then as shown in FIG 3., the correction offset signal  $V_{osadd}$  with a fixed value is previously added to the inputs of the amplifiers 66A, 66B, 66C and 66D.

Namely, from equation (4)s the correction offset signal. i.e., the correction offset voltage of the subtraction signal  $V_{ossub}$  is also independent to Main  $G$  of the amplifiers. Then, as shown in FIG 5, the correction offset signal  $V_{ossub}$  with a fixed value is previously added to the inputs of the amplifiers 66A, 66B, 66C and 66D.

None of the originally Figures and or equations as originally filed shows or describes “an offset signal independent to gain of the amplifiers”. The only showing found is that Figure 2, 3, 4, 5 etc. shows an offset signal inputted to the amplifiers and as originally filed in paragraph [0039] “the correction offset voltage is not affected by the switch of the gain  $G$  because the gain  $G$  is not in the correction offset voltage of the addition signal  $V_{osadd}$ ”. On of an ordinary skill in

the art could not understand how the drawings shows that the “offset signals are independent of the gains” since what is only shown is that they are inputted to the amplifier. As, originally filed the specification does not contain a written description of the claimed invention, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same. In other words, “the correction offset voltage not affected by the switch of the gain G, does not means that “offset signals are independent of the gains”.

Furthermore, none of the drawings and/or equations as originally filed include in the original disclosure shows or disclose How, When, or What is adding the offset signal “previously with a fixed value”, nor any relationship of an addition being made before, after, previous, etc... added. Applicants suggested found support for this feature in Figs. 2and/or 4-5, is not found.

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation “ the correction offset signals are independent to gains of the amplifiers”.

The Examiner cannot readily ascertain/map with the above claim language where in the specification as originally filed such a disclosure/support is found in the descriptive portion of the specification by reference to the drawings, designating the part or parts therein to which the term applies.

None of the originally filed Figures and or equations as originally filed shows or describes “an offset signal independent to gain of the amplifiers”. The only showing found is that Figure 2, 3, 4, 5 etc. shows an offset signal inputted to the amplifiers and as originally filed in paragraph [0039]

Claim 1 also recites the limitation the “correction offset signals with a fixed value are previously added to the inputs of the amplifier”.

The Examiner cannot readily ascertain/map with the above claim language where in the specification as originally filed such a disclosure/support is found in the descriptive portion of the specification by reference to the drawings, designating the part or parts therein to which the term applies. There is absolutely no description made either as shown in the drawings and/or disclose in the supporting disclosure as to How or When the offset is added, relating any addition made before, after, previous etc... of the offsets signals.

Alternative, the claims can be construed as misdescriptive in that it fails to particularly point out and distinctly claim the disclosed invention. Applicant's cooperation is respectfully requested.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recite a desired result of having "correction offset signals independent to gain of the amplifiers". Accordingly, it is unclear from the claim as how to obtain such independent offsets signals, since there is no structural relationship between the other elements of the optical disc device, provided in the claim to perform any function in order to get such desired result. Hence, make the claim indefinite as to point out and distinctly claim the subject matter, which Applicant is trying to encompass.

5. For purpose of examination, the claims are given the **Broadest Reasonable** interpretation consistent with the supporting disclosure. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997)

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradshaw et al. U.S. Patent No. 6,101,157.

Regarding claim 1, Bradshaw et al. discloses an optical disc device for changing intensities of light beams illuminated on an optical disc when recording and reproducing on/from the optical disc (See Abstract), the optical disc device comprising:

a photo detecting device divided into a plurality of photo detectors for detecting reflected light beams of the light beams illuminated on an optical disc (See Fig. 2; ref# 35);

a plurality of amplifiers for changing gains to respectively amplify output signals of the photo detectors when recording and reproducing on/from the optical disc (See Fig. 2, ref# 36,37); and

a calculating device for calculating output signals of the amplifiers to generate servo signals (See Fig. 2, ref# 38,39),

wherein correction offset signals for correcting offset voltages of the amplifiers and the photo detectors are added to the amplifiers and the correction offset signals are independent to gains of the amplifiers and the correction offset signals with a fixed value are previously added to the inputs of the amplifiers (See col. 5, line 64 to col. 6 line 3; col. 8, lines 55-63; Fig. 2, ref# 36,37)

Regarding claim 2, Bradshaw et al. discloses wherein the calculating device further comprises a first calculating device and a second calculating device for respectively performing different operations on the output signals of the amplifiers (See col. 5, lines 35-63; Fig. 2, ref# 38,39),

wherein the correction offset signals respectively added to the amplifiers further comprise a first correction offset value that eliminates the offset voltages from a result of the first calculating device, and a second correction offset value that eliminates the offset voltages from a result of the second calculating device (See col. 8, lines 55-63)

Regarding claim 3, Bradshaw et al. discloses wherein the correction offset signals respectively added to the amplifiers are signals separated from the first and the second correction offset values (See col. 8, lines 55-63), wherein the second offset value is "0" in the result of the first calculating device and the first offset value is "0" in the result of the second calculating device (Inherent to Bradshaw et al.; See col. 8, lines 55-63, offset with respect to the calculating devices; desired result is correct offset; i.e. "0")

*Response to Arguments*

Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive.

Applicants argues that the language “the correction offset signals are independent to gains of the amplifiers” and “the correction offset signal Vossb with a fixed value is previously added to the inputs of the amplifiers of the claim is supported by the originally filed specification, and such support is found in paragraphs [0039] and [0042].

The Examiner cannot concur with the Applicant because, the specification shall contain a written description of the invention, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

However, the examiner cannot readily ascertain/map with the above claim language where in the specification as originally filed, a disclosure/support is found in the Descriptive Portion of the Specification, and/or the asserted portion by Applicant, by Reference to the Drawings, designating the part or parts therein to which the term “the correction offset signals are independent to gains of the amplifiers” applies.

Applicant argues that Bradshaw et al. does not teach or suggest, “the correction offset signals are Independent to gains of the amplifiers”.

As acknowledged by the Applicant, Bradshaw et al. teaches that the offset is separately and INDEPENDENTLY adjusted even though the gain is varied, by a different construction. Bradshaw et al. performs an offset adjustment separately after finishing performing the gain

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setting of the amplifiers, which are executed independently and not at the same time, by an independent execution. Applicants also acknowledge that the offset adjustment to the amplifiers is performed every time the gain is changed. Hence, every time the gain adjustment is made, an offset signal was previously added in the previous gain changes.

The claims are given the broadest reasonable interpretation consistent with the supporting disclosure. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997) Although the claims are interpreted in light of the specification, supported limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12/12/05